

Remarks

The undersigned thanks the Examiner for considering the amendments and remarks made in the Preliminary Amendment mailed on January 24, 2009 and for indicating claims 27-32 would be allowable if rewritten in independent form.

In this Amendment and Response, the claims have been amended to put them in the form indicated to be allowable by the Examiner. Claims 3, 16, 24, 25-27, 29 and 31 have been cancelled. Claims 1, 4, 8, 14, 17, 21, 23, 28, 30 and 32 have been amended. Two new independent claims (i.e., claims 33 and 34) substantially paralleling allowable independent claim 21 (as amended) have been added. No new matter is presented as a result of the claim amendments or the new claims.

The undersigned respectfully requests entry of the amendments. Claims 1-2, 4-5, 8, 14-15, 17-21, 23, 28, 30 and 32-34 are now pending in the above-captioned patent application.

Rejections Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 2, 5, 6 and 21 and 23-26 under 35 U.S.C. § 103 as purportedly being unpatentable over U.S. Patent No. 6,625,169 (“Tofano”) in view of U.S. Patent No. 7,386,010 (“Solomon”), and in further view of U.S. Patent Pub. No. 2003/0185221 (“Deikman”). Claims 3 and 4 have been rejected as purportedly being unpatentable over Tofano, Solomon, Deikman and U.S. Patent No. 5,490,292 (“Macera”). Claim 8 has been rejected as purportedly being unpatentable over Tofano, Solomon, Deikman and U.S. Patent No. 5,841,990 (“Picazo”). Claims 14, 15 and 18 – 20 have been rejected as purportedly being unpatentable over Tofano and Solomon. Claims 16 and 17 have been rejected as purportedly being unpatentable over Tofano, Solomon and Macera.

While the undersigned does not agree with the rejections, for sake of expediting issuance of the allowable subject matter, the undersigned has put the claims into the form indicated to be allowable by the Examiner. The Applicant reserves the right to pursue claims of scope similar to those being cancelled herein in one or more continuation patent applications.

Conclusion

The undersigned has fully responded to each and every objection and rejection in the Office Action and believes that all pending claims (i.e., claims 1-2, 4-5, 8, 14-15, 17-21, 23, 28, 30 and 32-34) are in a condition for allowance. The undersigned therefore requests that a timely Notice of Allowance be issued in this case.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney. If the Examiner believes any issues could be resolved via a telephone interview, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Hamilton, DeSanctis & Cha LLP

Dated: January 6, 2010

By: /Michael A. DeSanctis/
Michael A. DeSanctis, Esq.
Reg. No. 39,957
Customer No. 64128
Ph: (303) 856-7155